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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,316	04/10/2002	Joseph A. Iadanza	BUR920010123	6885
23550	7590	08/22/2005	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC			VLAHOS, SOPHIA	
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14TH FL			ART UNIT	
ALBANY, NY 12207			PAPER NUMBER	
			2637	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/063,316	Applicant(s) IADANZA, JOSEPH A.	
	Examiner SOPHIA VLAHOS	Art Unit 2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-12,15 and 18 is/are rejected.
- 7) ☒ Claim(s) 5,13-14,16-17,19-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/01/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The US Patent numbers disclosed in the specification (specifically, U.S. 5,337,316 and U.S. 5,676,588) do not correspond to the US Patents included in the IDS. The examiner has corrected the IDS.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molla et. al., (U.S. 6,625,560) in view of Mitten et. al., (U.S. 6,564,349) and Variyam et. al., (U.S. 6,661,266).

With respect to claim 1, Molla et. al., disclose a transmitter for receiving a network data signal (column 1, lines 25-28) representative of a signal

capable of being transmitted over a network , and for continuously generating an output signal corresponding to the data signal and the control signal (column 2, lines 60-64) during a predetermined time window; a receiver (column 1, lines 14-15) for continuously receiving the output signal from the transmitter (column 1, lines 14-15), and for reconstructing the network data signal (column 1, lines 58-60) within the predetermined time window; and a device for generating the network data signal and for providing a clock signal for jitter testing of the network data signal (column 1, lines 25-35), wherein the device detects erroneous performance by the transceiver based on the reconstructed network data signal (column 2, lines 32-33).

Molla et. al., fails to teach a control signal for impairing characteristics of the network data signal and a built-in-self-test (BIST) device.

However, in the same field of endeavor, Mitten et. al. disclose a control signal for impairing characteristics of the network data signal (column 7, lines 17-26).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Molla et. al., by incorporating the control signal for impairing characteristics of the network data signal described by Mitten et. al., for the benefit of data alignment (Mitten et. al., column 7, lines 21-24).

In the same field of endeavor, Variyam et. al., disclose a built-in-self-test (BIST) device (column 2, lines 14-18). It would have been obvious to one

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of ordinary skill in the art at the time of the applicant's invention to modify Molla et. al. by using a BIST circuit as taught by Variyam et al., for the benefit of reducing production costs (Variyam et al., column 2, lines 23-24).

With respect to claim 2, all the limitations of claim 2 are analyzed above in claim 1, except the control signal includes signals for impairing a phase and an amplitude of the network data signal.

However, in the same field of endeavor, Mitten et. al., disclose the above limitation (column 7, lines 17-31).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Molla et. al., by Mitten et. al., for the benefit of data alignment (Mitten et. al., column 7, lines 21-24).

With respect to claims 3-4, Molla et. al., disclose the BIST device includes a jitter control system (column 3, lines 10-16) and wherein the jitter control system varies an offset of a clock signal (column 3, lines 14-16).

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molla et. al., (U.S. 6,625,560), in view of Mitten et. al., (U.S. 6,564,349), Variyam et. al., (U.S. 6,661,266) as applied to claim 1, and further view of Fang (U.S. 6,236,697).

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With respect to claim 6, all the limitations of claim 6 are analyzed above in claim 1, except the BIST device further comprises a pulse width counter for varying a pulse width of the network data signal.

In the same field of endeavor, Fang discloses the above limitation – the use of a pulse width counter is common in the art - (column 2, lines 23-29).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Molla et. al., by Fang, for the benefit of versatility (Fang, column 1, lines 43-46)

With respect to claim 7, all the limitations of claim 7 are analyzed above in claim 6, except the pulse width counter tests a clock recovery capability of the receiver.

In the same field of endeavor, Fang discloses the above limitation (column 1, lines 53-55).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Molla et. al., by Fang, for the benefit of versatility (Fang, column 1, lines 43-46)

Claims 8-10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molla et. al., (U.S. 6,625,560) in view of Mitten et. al., (U.S. 6,564,349), Variyam et. al., (U.S. 6,661,266) and Fang (U.S. 6,236,697)

With respect to claim 8, Molla et. al., disclose a transmitter for receiving a network data signal (column 1, lines 25-28) representative of a

signal capable of being transmitted over a network , and for continuously generating an output signal corresponding to the data signal and the control signal (column 2, lines 60-64) during a predetermined time window; a receiver (column 1, lines 14-15) for continuously receiving the output signal from the transmitter (column 1, lines 14-15), and for reconstructing the network data signal (column 1, lines 58-60) within the predetermined time window; a device for generating the network data signal, wherein the device detects erroneous performance by the transceiver based on the reconstructed network data signal (column 2, lines 32-33).

Molla et. al., fails to teach a control signal for impairing characteristics of the network data signal, a built-in-self-test (BIST) device, and varying a pulse width of the network data signal.

However, in the same field of endeavor, Mitten et. al. disclose a control signal for impairing characteristics of the network data signal (column 7, lines 17-26).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Molla et. al., by incorporating the control signal for impairing characteristics of the network data signal described by Mitten et. al., for the benefit of data alignment (Mitten et. al., column 7, lines 21-24).

In the same field of endeavor, Variyam et. al., disclose a built-in-self-test (BIST) device (column 2, lines 14-18). It would have been obvious to one

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of ordinary skill in the art at the time of the applicant's invention to modify Molla et. al. by using a BIST circuit as taught by Variyam et al., for the benefit of reducing production costs (Variyam, column 2, lines 23-24).

In the same field of endeavor, Fang discloses varying a pulse width (column 2, lines 23-29). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Molla et. al, by Fang for the benefit of versatility (Fang, column 1, lines 43-46)

With respect to claim 9, all the limitations of claim 9 are analyzed above in claim 8, except the control signal includes signals for impairing a phase and an amplitude of the network data signal.

In the same field of endeavor, Mitten et. al., disclose the above limitation (column 7, lines 17-31).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Molla et. al., by Mitten et. al., for the benefit of data alignment (Mitten et. al., column 7, lines 21-24).

With respect to claim 10, all the limitations of claim 10 are analyzed in claim 8, except the limitation the BIST device comprises means for programming the network data signals.

In the same field of endeavor, Mitten et. al., disclose the above limitation (column 5, lines 60-66).

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Molla et. al., by Mitten et. al., for the benefit of

With respect to claim 12, all the limitations of claim 12 are analyzed in claim 8, and Molla et. al., disclose the network data signal includes an embedded clock signal (column 1, lines 51-53). Molla et. al., fail to teach the BIST device comprises means for locking onto the embedded clock signal.

However, in the same field of endeavor, Fang (U.S. 6,236,697), discloses the above limitation (column 1, lines 37-38).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Molla et. al., by Fang, for the benefit of versatility (Fang, column 1, lines 43-46)

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Molla et. al., (U.S. 6,625,560), in view of Mitten et. al., (U.S. 6,564,349), Variyam et. al., (U.S. 6,661,266), Fang (U.S. 6,236,697) as applied to claim 8, and Kuo (U.S. 5,248,905).

All the limitations of claim 11, are analyzed in claim 8, except for the transmitter and the receiver are provided on a single integrated circuit, the transceiver further comprising a transfer gate for selectively coupling the output signal from the transmitter to the receiver within the integrated circuit.

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In the same field of endeavor, Kuo discloses the above limitations (abstract, lines 6-7, column 1, lines 45-56).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Molla et.al, by Kuo for the benefit of reducing production costs.

With respect to claim 15, the steps claimed as method restate the function of the specific components of the apparatus claims 1 and 8, and would be obvious considering the aforementioned rejection for claims 1 and 8.

With respect to claim 18, the program product restates the function of the specific components of the apparatus claims 1 and 8, and would be obvious considering the aforementioned rejection for claims 1 and 8.

Allowable Subject Matter

4. Claims 5, 13-14, 16-17, 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOPHIA VLAHOS

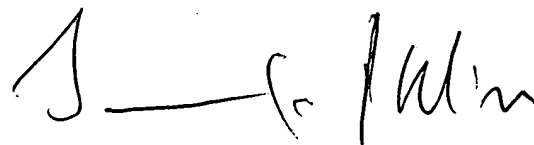
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whose telephone number is 571 272 5507. The examiner can normally be reached on MTWRF 8:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAY PATEL can be reached on 571 272 2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SV
8/15/2005

A handwritten signature in black ink, appearing to read 'J. K. Patel', is written over a horizontal line.

JAY K. PATEL
SUPERVISORY PATENT EXAMINER